

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE PETITION	)	
OF THE PUBLIC SERVICE COMMISSION	)	
STAFF AND DELAWARE DIVISION OF THE	)	
PUBLIC ADVOCATE TO ESTABLISH A	)	
REGULATION FOR DISTRIBUTION	)	PSC DOCKET NO. 18-0935
SYSTEM INVESTMENT PLANS FOR	)	
DELAWARE ELECTRIC AND NATURAL	)	
GAS UTILITIES (FILED JULY 2, 2018)	)	

**ORDER NO. 9529**

**AND NOW**, this 8<sup>th</sup> day of January 2020, the Delaware Public Service Commission (“Commission”) determines and orders the following:

**WHEREAS**, on June 14, 2018, Governor John Carney signed into law Senate Substitute No. 1 for Senate Bill 80, which established a Distribution System Improvement Charge (“DSIC”) for electric and natural gas companies in Delaware; and

**WHEREAS**, on April 14, 2018, the Commission Staff (“Staff”), the Delaware Division of the Public Advocate (“DPA”), and Delmarva Power & Light Company (“Delmarva”) executed a Memorandum of Understanding (“MOU”) providing that:

Delmarva Power, the Public Advocate and Commission Staff agree to work together to develop a proposal to submit to the Commission concerning enhanced distribution system planning. Delmarva, DPA and Staff will work in good faith to provide recommendations and to submit any proposals for review and approval to the Commission by September 1, 2019. The first meeting will take place by July 31, 2018. In addition, by no later than March 31, 2019, Delmarva, DPA and Staff will provide the Commission with an update on their progress.

and;

**WHEREAS**, on May 1, 2018, Chesapeake Utilities Corporation (“Chesapeake”) agreed to participate in the meetings among Delmarva, the DPA and Staff in a good faith effort to

recommend to the Commission some form of distribution planning for Chesapeake that will be tied to its DSIC applications; and

**WHEREAS**, on July 2, 2018, Staff and the DPA jointly filed a petition requesting the Commission to open a docket to examine electric and natural gas utilities' distribution infrastructure spending and establish regulations for distribution system planning to apply to all electric, natural gas, and Class A water utilities; and

**WHEREAS**, in Order No. 9242 (July 10, 2018), the Commission directed Staff to commence duly-noticed working group meetings for interested stakeholders (including Delmarva and Chesapeake) and to provide recommendations and proposed regulations for the Commission's review and approval by September 1, 2019;<sup>1</sup> and

**WHEREAS**, on August 13, 2019, the DPA filed a motion with the Commission to extend the deadlines for submitting proposed electric and natural gas distribution planning regulations to October 22, 2019 for the electric regulations and the Commission's second meeting in January 2020 for the natural gas regulations, which the Commission granted in Order No. 9444 dated August 20, 2019; and

**WHEREAS**, Staff submitted proposed electric distribution planning regulations on October 15, 2019, which the Commission approved for publication in the December 2019 Delaware Register of Regulations pursuant to Order No. 9485 dated October 22, 2019; and

**WHEREAS**, on December 17, 2019, the DPA filed an unopposed motion ("Motion") with the Commission to extend the deadline for submitting proposed natural gas distribution planning regulations to April 22, 2020; and

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<sup>1</sup> The Commission did not require the Class A water utilities to participate in the working group meetings for purposes of drafting distribution planning regulations.

**WHEREAS**, the Commission having considered the DPA's Motion and heard from the parties at its regularly-scheduled meeting on January 8, 2020;

**NOW, THEREFORE, BY THE AFFIRMATIVE VOTE OF NO FEWER THAN THREE COMMISSIONERS, IT IS HEREBY ORDERED THAT:**

1. The Motion is **GRANTED**.
2. Proposed natural gas distribution system planning regulations shall be submitted to the Commission on or before April 22, 2020.
3. The Commission reserves the jurisdiction and authority to enter such further orders in this matter as may be deemed necessary or proper.

**BY ORDER OF THE COMMISSION:**

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Chairman

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Commissioner

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Commissioner

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Commissioner

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Commissioner

ATTEST:

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Secretary